

Remarks

Reconsideration and allowance of this application, as amended, are respectfully requested.

To advance prosecution, claims 1 and 21 have been amended so as to even more particularly define certain features of the invention. Claim 8 has been amended for consistency with instant claim 1. Claims 1-13 and 16-25 remain pending in the application, with claims 18-20 withdrawn from consideration as being directed to a constructively non-elected invention. Claims 1, 18, and 21 are independent. The sole rejection is respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

Claim 1 has been amended so as to even more particularly define the displaceable nature of the application head of the claimed base insert device. Instant claim 1 recites in pertinent part that the application head is "displaceable along the glue supplying line in a direction *y* extending perpendicular to a transport direction *x* of the bag and in a plane parallel to a plane in which the bag lies during transport so as to enable the glue outlets to apply the glue to all regions in the *y* direction of the areas to be glued" (emphasis added). Support for the recitation is found in the disclosure of Figure 1, and more specifically, in the disclosure at specification page 5, the last three lines, that "[i]n order to be able to glue all the regions of the unglued

sheets in the direction y perpendicular to the feed direction, the application head 1 can also be displaced in this direction."

Independent claim 21 has been amended in a manner that parallels the amendment of claim 1.

Entry of each of the amendments is respectfully requested.

35 U.S.C. § 103(a) – Boger, Miller, and Focke

Claims 1-13, 16, 17, and 21-25 again stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,687,137 to Boger et al. (hereinafter "Boger") in view of U.S. Patent No. 5,609,711 to Miller and further in view of U.S. Patent No. 6,463,716 to Focke et al. ("Focke").

The Office Action now further acknowledges that "Boger in view of Miller lack the teaching of having the glue chamber/head to be displaceable in a direction extending perpendicular to a transport direction of the bag and in a plane parallel to a plane in which the bag lies during transport" (Office Action page 3, last full paragraph). But, to rectify the aforementioned deficiency, the Office Action again relies upon the teaching of Focke, and asserts that "Focke discloses a similar device with the use of displaceable/moving glue dispensing, see for example (Figs. 1-8; via glue nozzle 14)" (Office Action page 3, last full paragraph).

And now, the Office Action at least implicitly acknowledges that Focke fails to teach the above-quoted previously presented feature of Applicant's invention, i.e., that "the application head [is] displaceable along the glue supplying line in a direction extending perpendicular to a transport direction of the bag and in a plane parallel to a plane in which the bag lies during transport."

However, the Office Action asserts that "the exact movement/displacing to be in a direction extending perpendicular to a transport direction of the bag and in a plane parallel to a plane in which the bag lies during transport *would be nothing more than an engineering design choice to control the movement of the application head in specific/assigned directions, in order to assure fixed pattern of dispensing the glue to the bag*" (Office Action pages 3-4) (emphasis added).

The rejection of claims 1-13, 16, 17, and 21-25 under § 103(a) based on Boger, Miller, and Focke is respectfully deemed to be obviated. For at least the reasons presented in Applicant's Amendment filed October 21, 2010, and the following reasons, the combined disclosures of Boger, Miller, and Focke would not have rendered obvious Applicant's presently claimed invention.

First, the combined disclosures of Boger, Miller, and Focke do not teach each feature of Applicant's claimed invention. As indicated above in the introductory remarks, claim 1 has been amended so as to even more particularly define the displaceable

nature of the application head of the base insert device. Instant claim 1 requires that

the glue feed includ[e] (i) at least one chamber through which at least one part of the valves is fed with the glue and which has a diameter of at least 5 mm in at least one place, and (ii) at least one glue supplying line which extends to the application head, the glue supplying line engaging into the chamber and the application head being displaceable along the glue supplying line in a direction y extending perpendicular to a transport direction x of the bag and in a plane parallel to a plane in which the bag lies during transport *so as to enable the glue outlets to apply the glue to all regions in the y direction of the areas to be glued.* (Emphasis added)

As noted above in the introductory remarks, Applicant discloses that "[i]n order to be able to glue all the regions of the unglued sheets in the direction y perpendicular to the feed direction, the application head 1 can also be displaced in this direction." The aforementioned embodiment of the invention is the embodiment that Applicant is defining in claim 1. Since the application head is movable along the glue supplying line, i.e., along the longitudinal axis of the glue supplying line, the claimed configuration provides operational flexibility for applying the glue to the folds and labels. As is evident from the depiction of the application head in Figure 1, the application head moves in a plane that is parallel to a plane in which the bag lies during transport.

The Office Action again relies upon the disclosure of Focke to rectify the acknowledged deficiencies of Boger and Miller.

But, the disclosure of Focke is also deficient. Focke may disclose a device in which a glue nozzle 14 is movable, but most certainly not a device having an application head that is displaceable in the same way as is Applicant's claimed head.

In the Amendment filed October 21, 2010, Applicant pointed out the following important structural distinction between Focke's device and Applicant's claimed invention. Focke teaches that glue nozzle 14 can be swung toward or away from the parts to be glued, i.e., from "an operating position" (Figure 2) to "a maintenance or cleaning or standby position" (Figures 3 and 4).

See Focke's Figures 1-4. That is, Focke discloses that

[t]he glue nozzle 14 (or the nozzle unit comprising a plurality of nozzles arranged one beside the other) can be moved between an operating position (FIG. 2) and a maintenance or cleaning or standby position (FIGS. 3 and 4). For this purpose, the glue nozzle 14 is mounted on an arcuate pivot arm 18 which can be pivoted about a rotary bearing 19 which is remote from the glue nozzle 14, to be precise by way of a transversely directed shaft journal 20 (FIG. 5) which is driven in a suitable manner. In the operating position (FIG. 2), the glue nozzle 14 is directed obliquely in order to ensure an optimum feed direction for the portions of glue during transfer to the longitudinal tabs 17 (Column 2, lines 49-60; emphasis added)

and that

[i]n the case of a temporary break in operation, the glue nozzle 14 is drawn back from the operating position, by actuation of the pivot arm 18, into a maintenance or cleaning position. In this position, the glue nozzle 14 is located in the region of a maintenance subassembly 21. In the latter, first of all the glue nozzle 14 is cleaned of any residues of set glue present. (Column 2, lines 61-67; emphasis added)

That is not Applicant's claimed invention. Applicant's claimed device has an application head that is displaceable along the glue supplying line in a direction *y* extending perpendicular to the transport direction *x* of the bag and in a plane parallel to the plane in which the bag lies during transport.

Focke's glue nozzle 14 is only pivotable away from the operational position for *maintenance* purposes. Glue supply is simply not the focus of the Focke patent. Consequently, Focke has no disclosure whatsoever that the glue nozzle is movable along a glue supply line. As pointed out above, the direction in which Focke's glue nozzle is movable is completely different from the displacement of Applicant's claimed application head feature.

In response to the aforementioned remarks in support of patentability, the Office Action now asserts that "the exact movement/displacing to be in a direction extending perpendicular to a transport direction of the bag and in a plane parallel to a plane in which the bag lies during transport *would be nothing more than an engineering design choice to control the movement of the application head in specific/assigned directions, in order to assure fixed pattern of dispensing the glue to the bag*" (Office Action pages 3-4) (*emphasis added*).

However, Applicant respectfully disagrees with the Office Action's assertion. And that is because Focke very explicitly teaches away from the assertion made in the Office Action. More

specifically, as is evident from the discussion below, Focke teaches that the glue subassembly 16, of which the glue nozzle 14 is an element (see Figure 2), is in fact *not* transversely movable in the y direction. Even more specifically, Focke teaches that the "first glue subassembly 16 is located in the region of the folding turret 11 and is positioned in a **stationary** manner on the outer circumference thereof" (column 2, lines 38-40).

And there is a very good reason that Focke's glue subassembly 16 and glue nozzle 14 are **stationary** and not transversely movable: They *do not need to be*, because Focke's "maintenance subassembly 21," which services the glue nozzle 14 when it is pivoted out to the maintenance or cleaning or standby position, "**can be displaced relative to the glue nozzle 14**" (Focke column 3, lines 65-66) (emphasis added).

In the disclosure that extends from column 3, line 3, through column 4, line 5, Focke explains how the **stationary** glue subassembly 16 and glue nozzle 14 are serviced:

The glue nozzle 14 is assigned a closure and cleaning element. In the case of the present exemplary embodiment, the latter comprises a (cylindrical) roller 22 made of elastic material, such as rubber, plastic or the like. The (cleaning and closure) roller 22 preferably consists of an elastic foam, for example foam rubber or foamed plastic. A particularly suitable material is fine-cell polyester foam with open cells on the cylindrical lateral surface of the roller 22.

The roller 22 has a double function. On the one hand, it closes the glue nozzle 14 or a nozzle mouth in a sealing manner by virtue of the glue nozzle 14 butting against the circumference of the elastic roller 22. The relative

positioning is selected in this case such that the glue nozzle or the nozzle head presses elastically into the roller 22 (FIG. 8).

On the other hand, the roller 22 is a cleaning element. By virtue of (temporary) rotation relative to the **stationary** glue nozzle 14, the latter is cleaned in the region of the nozzle mouth.

In this case, the roller 22 may carry along a solvent, for example water, in order to improve the elimination of set glue from the glue nozzle 14. For this purpose, the roller 22 (which is driven in rotation) has a sub-region of its circumference dipping into a supply of solvent, for example into a water bath 23. The structure of the roller 22, in particular the foam formation, means that water is constantly carried along and transferred to the glue nozzle 14.

Moreover, the maintenance subassembly 21 allows the glue nozzles 14 to be actuated on a trial basis by discharging portions of glue in the drawn-back position. Such trial portions of glue are received by a collecting container.

In the case of the present exemplary embodiment, the maintenance subassembly 21 forms a unit comprising two containers located one beside the other and connected to one another, namely the collecting container 24, on the one hand, and a water container 25, on the other hand. The roller 22 is mounted as a cylindrical structure in the region of the water container 25, to be precise with an obliquely directed axis of rotation. The relative positioning is selected such that, in the cleaning or closure position, the glue nozzle 14 is directed at right angles to the lateral surface of the roller 22.

For the roller 22 to be driven in rotation, the maintenance subassembly 21 is assigned a drive motor 26. The latter is connected to a mount 27 which, for its part, is fastened on the water container 25, namely on an upright wall of the same. The drive motor 26 is connected to said mount 27 via a rotary bearing 28 and can thus be pivoted in relation to the mount 27. Upwardly directed pivoting movement moves the drive motor 26 out of the operating position, the roller 22 being carried along in the process. Said roller is then located outside the water container 25 and can be exchanged if it is worn or damaged. A segment 29 with two latching holes 30, 31 is provided on the mount 27. Passing into the said latching

holes is a latching pin 32 which can be actuated by hand and fixes the operating position (FIG. 5) and the position of the roller 22 outside the water container 25.

The unit of the maintenance subassembly 21 can be displaced (by a linear unit 56). In the case of the present exemplary embodiment, the glue nozzle 14 can be moved into a single cleaning and maintenance position. In order, on the one hand, to carry out a trial operation of the glue nozzle 14 and, on the other hand, to ensure the cleaning and closure of the same, ***the maintenance subassembly 21 can be displaced relative to the glue nozzle 14.*** For this purpose, the maintenance subassembly rests with sliding guides 33 on guide rods 34. ***By virtue of transverse displacement of the maintenance subassembly 21,*** the glue nozzle 14 is positioned alternatively in the region of the collecting container 24 or of the water container 25, or in the region of the roller 22 (FIGS. 3 and 4). (Emphasis added)

Clearly, therefore, Focke's glue subassembly 16 and glue nozzle 14 are ***stationary*** and not transversely movable in the y direction.

Accordingly, the Office Action's assertion that it "would be nothing more an engineering design choice to control the movement of the application head in specific/assigned directions, in order to assure fixed pattern of dispensing the glue to the bag" is refuted by the disclosure of the very reference that the Office Action relies upon. And in fact, by requiring that the glue subassembly 16 and glue nozzle 14 be ***stationary*** and not transversely movable in the y direction, Focke very explicitly teaches away from the assertion made in the Office Action.

Accordingly, even if the disclosures of Boger, Miller, and Focke were combined as asserted in the present Office Action,

the result would not be Applicant's presently claimed base insert device.

Second, for the reasons previously of record, there is simply no teaching in any of Boger, Miller, or Focke that would have led one to select the references and combine them in a way that would result in the invention defined by any of Applicant's pending claims.

Most of the disclosure of the Focke patent focuses on nozzle maintenance, i.e., on the cleaning of the glue nozzle, not on the apparatus that applies the glue to the piece to be glued. That is, Focke discloses that

[t]he object of the invention is to improve the reliable operation of glue subassemblies with glue nozzles, namely to ensure relatively long, disruption-free operation of such glue subassemblies (Column 1, lines 27-30)

and that

[i]n order to achieve this object, the glue nozzle is assigned an elastic closure and cleaning element which can be moved relative thereto, in particular a rotatable roller, disc or the like made of elastic material. (Column 1, lines 31-34)

Thus, in view of the very different focus of the disclosure, there is simply no teaching in Focke of Applicant's claimed application head that is movable along the glue supplying line in order to provide operational flexibility for applying the glue to folds and labels, i.e., "so as to enable the glue outlets to apply the glue to all regions in the y direction of the areas to be glued" (claim 1).

And finally, Applicant respectfully submits that the Office Action's reliance on combining the disclosures of Boger, Miller, and Focke constitutes an *improper hindsight reconstruction* on the part of the examiner. The hindsight reconstruction is *improper* because it depends upon the disclosure of the instant application. Again, as explained in detail above, Focke very clearly teaches that the glue subassembly 16 and glue nozzle 14 are *stationary and not transversely movable* in the y direction. For the examiner to assert otherwise, i.e., as being "an engineering design choice," can only result from the examiner relying upon the *disclosure of the instant application*.

Accordingly, the combined disclosures of Boger, Miller, and Focke would not have rendered obvious the invention defined by Applicant's instant claim 1. Claims 2-13, 16, and 17 are allowable because they depend, either directly or indirectly, from claim 1, and for the subject matter recited therein.

Instant claim 21 is similarly allowable. Claim 21 defines an embodiment of the invention that includes a *plurality* of application heads that are "movable relative to each other along the glue supplying line." See the depiction of the multiple application heads 1 in Figure 2. An operational advantage of the embodiment of the device defined by claim 21 is that not only are the application heads movable along the longitudinal axis of the glue supplying line, i.e., in the direction y perpendicular to the

transport direction x of the pieces to be glued, but that the heads are movable relative to each other. Claims 22-25 are allowable because they depend from claim 21, and for the subject matter recited therein.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that another interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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